

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CR-58
)	(VARLAN/GUYTON)
JAMES ALAN CARR,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court to address the Defendant's competency for sentencing. The Defendant previously received treatment at the Medical Center for Federal Prisoners in Springfield, Missouri, ("the FMC") pursuant to orders of this Court in an effort to restore the Defendant's competency. [Docs. 35-47]. Based upon a Certificate of Competency completed by Marty C. Anderson, Warden at the FMC on March 24, 2008, the Defendant was declared competent on May 19, 2008. [Doc. 47]. The Defendant entered a change of plea on July 10, 2008, but before the Defendant could be sentenced, his condition deteriorated. Pursuant to the Defendant's motion [Doc. 51], the Court ordered the Defendant be committed for further evaluation and treatment on September 17, 2008. [Doc. 55].

The Defendant was delivered to the Medical Center for Federal Prisoners in Springfield, Missouri, ("the FMC") on November 20, 2008. A forensic mental health evaluation of the Defendant's condition was completed on December 5, 2008 by Christina A. Pietz, Ph. D., ABPP, at the FMC. The forensic report finds that the Defendant is suffering from a psychiatric condition

and requires significant attention to assure that he takes his medication and his symptoms remain under control. The report explains that the Defendant took his medication regularly during his last treatment period, November 20, 2008, to December 5, 2008.

The Defendant was discharged from the FMC on December 17, 2008. A hearing to address the Defendant's competency was held January 14, 2009. Assistant United States Attorney Tracy Stone was present representing the Government. Attorney Kim Tollison was present representing the Defendant, who was also present. At the hearing, the parties stipulated to the contents of the forensic report completed by Dr. Pietz. In addition, Attorney Tollison represented to the Court that he believed that the Defendant was competent for sentencing and that it was the Defendant's desire to proceed to sentencing.

Based upon the above and pursuant to 18 U.S.C. §§ 4241, this Court finds, by a preponderance of the evidence, that Defendant James Alan Carr is able to understand the nature and consequence of the charges and proceedings against him and to properly assist an attorney in his own defense. The Court finds that the Defendant is **COMPETENT** to proceed.

IT IS SO ORDERED

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge